

[Advisory Opinion 1992-1]
ADVISORY OPINION 92-27

The Ethics Commission has reviewed your request for advice; you have provided the Commission either in writing or orally with the following facts:

You are an employee of the Housing Opportunities Commission (HOC). As an HOC employee, you are assigned, among other duties, the task of providing staff support to Revenue Sharing Network, Inc. (RSN). This staff support involves helping RSN to raise funds through solicitations which are used to support the STAR Program. The STAR Program provides summer camp experiences for indigent children who live in HOC housing.

RSN is a 501(c)(3) corporation organized under the laws of Maryland. According to RSN's corporate charter, the purposes for which RSN is organized include:

- (1) To devise, formulate, initiate, develop, evaluate, plan, manage and administer programs intended to assist and advise the Housing Opportunities Commission of Montgomery County ("HOC").
- (2) To provide the resources for needs identified by HOC and for such other services as may be necessary to encourage the economic self-sufficiency of the residents of HOC housing properties.
- (3) To encourage and receive the donation of goods, equipment, material, supplies and other valuable donations to be used to benefit needy residents of HOC in providing programs designed to break the cycle of poverty for economically disadvantaged or other needy persons.
- (4) To provide such other services as may be necessary to encourage the economic self-sufficiency of the residents of HOC housing properties.

RSN has no paid employees and no expenses. HOC employees provide the necessary staff support for RSN's fund raising activities. In fact, RSN's office address is located at HOC headquarters.

As operated, RSN's sole function is to raise financial support, either through grants or solicitation of donations, to support the needs of HOC housing residents. Funds raised through RSN's solicitation efforts are used to support the STAR Program.

The brochures you have supplied the Ethics Commission regarding the STAR Program clearly link HOC and RSN together. In fact, one brochure entitled "The Capitol Steps" has printed on the bottom of the front page "Resources Sharing Network of the Housing Opportunities Commission." The HOC insignia is clearly visible on each of the brochures.

Section 19A-14(b) provides that a person must not use an official County agency insignia in connection with any private enterprise unless expressly authorized by the Chief Administrative Officer.¹

Section 19A-14(c) provides that a public employee must not use a government facility, property or work time for the use of another entity.

Section 19A-16 prohibits a public employee from soliciting a gift during official work hours, at a government agency, or while identifiable as a government employee. Section 19A-16(b)(2), however, allows a public employee to solicit “from any person, during official work hours, or at a county agency, for the benefit of a county agency if the solicitation is authorized by the County Executive in an executive order . . .”² (Emphasis added.)

The Commission believes that, under the circumstances you have described, RSN is equivalent to HOC for purposes of applying the provisions of Sections 19A-14(b) and (c) and 19A-16(b)(2). RSN is organized specifically to assist HOC and is, in fact, operated in that manner. RSN has no employees of its own and no expenses. All funds raised by RSN go to support HOC programs. As long as these factors remain unchanged, the Commission believes that RSN is substantially equivalent to HOC for purposes of Section 19A-14(b) and (c) and 19A-16(b)(2). Accordingly, the Commission believes that:

1. HOC staff may, if authorized by appropriate supervisors, assist RSN in raising funds without violating Section 19A-14(c);
2. HOC may utilize its insignia in connection with activities sponsored by RSN; and
3. HOC staff may assist RSN in raising funds if the fund raising activity is approved in an Executive Order under Section 19A-16(b)(2).

If you have any further questions regarding this matter, please feel free to contact the Commission.

Date of Issue: 2/19/92

¹ Section references are to the Montgomery County Code (1984).

² By waiver to the Chief Administrative Office dated April 6, 1990, the Ethics Commission authorized the County Executive under Section 19A-16(b)(2) to allow a public employee to be identifiable as a public employee when soliciting gifts for the benefit of a County agency.